

Naziyr R. Z. Yishmael  
24417 25th Avenue South  
Des Moines, Washington

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

**Naziyr Yishmael**

*Plaintiffs*

vs.

**AMERICAN HOME MORTGAGE  
INVESTMENT CORPORATION d/b/a  
as AMERICAN BROERS CONDUIT;  
AURORA BANK FSB; NATIONSTAR  
MORTGAGE, LLC; U.S. BANK, N.A.  
AS TRUSTEE FOR LEHMAN XS  
TRUST MORTGAGE PASS-  
THROUGH CERTIFICATES,SERIES  
2007-18N; MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS INC; QUALITY LOAN  
SERVICE CORP.; Property Commonly  
Known as 24417 25<sup>th</sup> Avenue South, Des  
Moines, Washington; AND JOHN DOE  
1-50**

*Defendants.*

Case No. C16-247RSL

**REPLY TO DEFENDANTS' RESPONSE TO  
PLAINTIFF'S MOTION TO REMAND**

NOTING DATE APRIL 22, 2016

**PLAINTIFF'S REPLY**

Plaintiff, Naziyr Yishmael (Yishmael), hereby replies to Defendants' response to Plaintiff's Motion to remand and states:

1. For the sake of clarity: Plaintiff, in his original complaint, made reference in title to FDCPA, but this acronym was taken to stand for the words; “Fair Debt Collector Practices Act” or Collection Agencies Act of Washington. Yishmael never intended this acronym or cause of action to ever go beyond RCW 19.16 as stated in Yishmael’s motion. Therefore Plaintiff has made no federal claims in his original complaint.
  2. Defendant US Bank is a Defendant in this matter strictly because of its fiduciary duty as a trustee to Lehman XS Trust Mortgage Pass-Certificates, Series 2007 18N. The Defendant is the Trust, and the citizenship of said trust is determined by its beneficiaries. *Americold Realty Trust v. Conagra Foods, Inc.*, No. 14-1382 (U.S. Mar. 7, 2016). In this matter the Supreme Court agreed with *Navarro* and held that for diversity jurisdictional purposes, the citizenship of a real estate investment trust under Maryland state law is based on citizenship of all of its members and shareholders. SCOTUS reasoned that “Congress never expanded this grant of citizenship artificial entities other than corporations....For these unincorporated entities, we too have adhered to our oft-repeated rule that diversity jurisdiction in a suit by or against the entity depends on the citizenship of all its members... So long as such an entity is unincorporated, we apply our oft-repeated rule that it possesses the citizenship of all its members...”
- The trust, therefore, is a citizen of Washington State as well.

### **Conclusion**

By making this decision, the Supreme Court has resolved the conflict of several districts concerning diversity jurisdiction in the matter of unincorporated entities. Being that Plaintiff cited no claims based on federal laws and that diversity does not exist, this matter is appropriate for remand to State Court.

Respectfully,

s/Naziyr Ruwack Zadaq Yishmael  
 24417 25<sup>th</sup> Ave South  
 Des Moines, Washington 98198  
 206.574.8669  
 naziyr@hotmail.com

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*Plaintiffs*

vs.

**AMERICAN HOME MORTGAGE  
INVESTMENT CORPORATION d/b/a  
as AMERICAN BROERS CONDUIT;  
AURORA BANK FSB, et al**

*Defendants.*

Case No. C16-247RSL

**CERTIFICATE OF SERVICE**

I certify that on April 13, 2016 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Barbara L. Bollero, attorney of record for Defendants; NationStar Mortgage LLC, Mortgage Electronic Registration Systems, Inc., and U.S. Bank as Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-18N

And I certify that I have mailed by the United State Postal Service the document to the following non CM/ECF participants:

American Home Mortgage Investment Corp. d/b/a American Brokers Conduit c/o AHM Liquid Trust P.O. Box 10550 Melville, New York 11747

Dated: April 16, 2016

s/Naziyr Ruwack Zadaq Yishmael  
24417 25<sup>th</sup> Avenue South  
Des Moines Washington  
206.574.8669